

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**ORDER REQUESTING ASSISTANCE OF THE QUEEN'S BENCH DIVISION
OF THE HIGH COURT TO ORDER THE DEPOSITION TESTIMONY
OF VINCENT VANDENBROUCKE**

This Court, upon the showing of good cause and evidence submitted in the application of Irving H. Picard, Esq. (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA"), and as trustee for the estate of Bernard L. Madoff ("Madoff"), finds as follows and requests the assistance of the Queen's Bench Division of the High Court to enter an Order of the High Court to have the deposition testimony taken of Vincent Vandenbroucke subject to the following terms and conditions:

1. The Court finds that Vincent Vandenbroucke is likely to possess information related to the specific categories in Schedule A and that such topics are likely to include or lead to the discovery of material evidence relevant to the Trustee's investigation of the fraud

perpetrated by BLMIS, consistent with the Trustee's statutory investigatory authority as set forth in SIPA.

2. The Court requests an order compelling the deposition testimony of Vincent Vandenbroucke to the Queen's Bench Division of the High Court for transmittal to this Court.

Dated: New York, New York
August __, 2010

Hon. Burton R. Lifland
UNITED STATES BANKRUPTCY JUDGE

SCHEDULE A
LETTER OF REQUEST TO VINCENT VANDENBROUCKE

A. DEFINITIONS AND INSTRUCTIONS

1. The term “Pioneer” refers to Pioneer Alternative Investment Management, Ltd. and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
2. The term “Kingate Funds” refers to Kingate Global Fund, Ltd. and Kingate Euro Fund, Ltd. both collectively and singularly as well as any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
3. The term “BLMIS” refers to Bernard L. Madoff Investment Securities, LLC; Madoff Securities International Limited; and any subsidiaries, affiliates, directors, agents or representatives thereof.
4. The term “Madoff” refers to Bernard L. Madoff.
5. The term “FIM Advisers” refers to FIM Advisers LLP and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
6. The term “FIM Limited” refers to FIM Limited and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
7. The term “FIM (USA)” refers to FIM (USA), Inc. and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
8. The term “Kingate Management” refers to Kingate Management Limited and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
9. The term “Citi” refers to Citi Hedge Fund Services Limited and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
10. The term “Kingate Entities” refers to FIM Advisers, FIM Limited, FIM (USA), Kingate Management and Citi, collectively.
11. The term “Primeo” refers to Primeo Fund and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.

- 12.. The term “Herald” refers to Herald Fund SPC and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
13. The term “Thema” refers to Thema Fund Limited and any parent, subsidiary, affiliate, predecessor, successor, principal, member, manager, employee, agent or representative thereof.
14. The term “communication” specifically includes any transmittal or receipt of information, whether by chance or prearranged, formal or informal, oral or portrayed in any document and specifically includes: (a) conversations, meetings and discussions in person; (b) conversations, meetings and discussions by telephone or through telephonic messages; and (c) written communications, including communications by email.
15. Except as otherwise noted, this Order requests the testimony relevant to the time from when Pioneer first made any inquiries into or about the Kingate Funds, the Kingate Entities, BLMIS or Madoff until 31 December 2008, inclusive (the “Relevant Period”).

B. TOPICS FOR DEPOSITION TESTIMONY

1. The due diligence, operations monitoring, research or other inquiries Pioneer undertook of the Kingate Funds including any communications concerning any of the same.
2. The operations of the Kingate Funds.
3. The personnel affiliated with the Kingate Funds and what role they played with respect to the Kingate Funds.
4. The due diligence, operations monitoring, research or other inquiries performed by the Kingate Funds with respect to BLMIS including any communications concerning any of the same.
5. The relationship of the Kingate Funds and/or the Kingate Entities with BLMIS, including but not limited to the relationship between Carlo Grosso and Federico Ceretti and Madoff.
6. The investments the Kingate Funds made with BLMIS.
7. Any fees, commissions or rebates paid to principals of the Kingate Funds, the Kingate Entities or any associated entities of any of them.
8. Any communications between the Kingate Funds or any of the Kingate Entities with BLMIS.
9. The due diligence, operations monitoring or research methods of Pioneer.

10. The due diligence, operations monitoring, research or other inquiries Pioneer performed on BLMIS and/or Madoff including any communications concerning any of the same.
11. The investments Pioneer made, or facilitated others making, with BLMIS through Kingate, Primeo, Herald or Thema.